

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

DIXIE PLUMBING SPECIALTIES, INC.,

Plaintiff,

v.

CAIN INDUSTRIES, INC. and JOHN  
DOES 1-5,

Defendants.

Case No. 17-CV-1095-JPS

**ORDER**

On August 9, 2017, Plaintiff filed this action alleging violations of the Telephone Consumer Protection Act, as amended by the Junk Fax Prevention Act of 2005. (Docket #1). Defendant has been served but has not yet responded to the complaint. *See* (Docket #6). On October 3, 2017, Plaintiff filed a notice of voluntary dismissal of this action without prejudice. (Docket #8). Because Defendant has not yet responded to the complaint, the Court will adopt Plaintiff's notice. *See* Fed. R. Civ. P. 41(a)(1)(A)(i).

Accordingly,

**IT IS ORDERED** that Plaintiff's notice of voluntary dismissal (Docket #8) be and the same is hereby **ADOPTED**; this action be and the same is hereby **DISMISSED without prejudice**.

Dated at Milwaukee, Wisconsin, this 10th day of October, 2017.

BY THE COURT:



J. P. Stadtmueller  
U.S. District Judge